

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

QUENTON SHELBY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 17-cv-00224-W-DGK
	)	
OAK RIVER INSURANCE COMPANY,	)	
	)	
	)	
	)	
Defendant.	)	

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO PLAINTIFF’S FIRST AMENDED PETITION**

COMES NOW, Defendant Oak River Insurance Company (“Oak River”), and respectfully requests a brief, fourteen-day extension of time to answer or otherwise respond to Plaintiff’s First Amended Petition. In support thereof, Oak River states as follows:

1. This is an action in which Plaintiff, on behalf of a class of consumers who reached a settlement with Miller Investment Group, Inc. (“MIG”) in an underlying case, seeks to satisfy the underlying judgment from insurance policies issued by Oak River to MIG.
2. Shortly after Plaintiff sought leave to amend his Petition in state court to unequivocally state that he was asserting claims on behalf of the class, Oak River removed this case to this Court pursuant to the Class Action Fairness Act of 2005 (“CAFA”) on March 28, 2017.
3. On the same day Oak River removed the case, the state court granted Plaintiff’s Motion for Leave to Amend his Petition – deeming Plaintiff’s First Amended Petition that was attached to the Motion for Leave to Amend as filed on the date of the Order. While the state court’s order was issued prior to Oak River filing its removal, Oak River did not receive notice of the

order until after filing its removal documents. Based on this unique circumstance, Plaintiff and Oak River have agreed to proceed with the case such that: (1) the First Amended Petition is considered filed in state court prior to removal and (2) Oak River need not supplement its removal filings with the state court's Order or the First Amended Petition except as set forth in this motion. Plaintiff's First Amended Petition (without attachments) is attached hereto as Exhibit #1.

4. Under Rule 81, Oak River is required to file its Answer or other response to the First Amended Petition within seven days after the notice of removal is filed. In this case, that date is April 4, 2017.
5. Oak River requires a brief extension of time to prepare its Answer to the First Amended Petition.
6. Oak River requests a brief, fourteen-day extension of time, to and including April 18, 2017, to file its Answer or other response to Plaintiff's First Amended Petition.
7. No party will be prejudiced by this brief extension of time as the case was only recently removed.
8. Plaintiff has agreed to this brief extension of time.

**WHEREFORE**, Oak River respectfully requests that the Court grant this Motion for a fourteen-day extension, allow Oak River until April 18, 2017 to answer or otherwise respond to Plaintiff's First Amended Petition, and for such further relief as the Court deems just and proper.

Dated this 4<sup>th</sup> day of April, 2017.

Respectfully submitted,

s/ M. Courtney Koger

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**ATTORNEYS FOR DEFENDANT**

**OAK RIVER INSURANCE**

**COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 4, 2017 the foregoing was filed via the Court's online filing system, causing service on the following:

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**ATTORNEYS FOR PLAINTIFF**

s/ M. Courtney Koger

Attorney for Defendant Oak River Insurance  
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